

PATENT
Attorney Docket No. 600189.051

In re Application of : Gary Flake et al.
Serial No. : 10/625,082
Filed : July 23, 2003
For : TERM-BASED CONCEPT MARKET
Group Art Unit : 3691
Examiner : Alexander G. Kalinowski

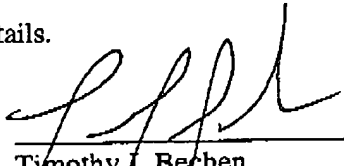
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PROPOSED AGENDA FOR RULE 133 INTERVIEW

Applicants submit the following proposed agenda for an in-person interview regarding the above-noted patent application.

Applicants therefore respectfully request confirmation of the in-person interview scheduled for 12:00pm on Tuesday, October 27, 2009. The Examiner is invited to contact the below-noted attorney at 212-682-9216 to confirm details.



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EXAMINER INTERVIEW AGENDA

Applicants submit the following Interview Agenda for a Rule 133 in-person Interview at the U.S. Patent Office for the above-noted application. The following agenda is being submitted for the sole purpose of advancing in-person discussions and the following agenda does not represent explicitly submitted, on the record, formal arguments. Rather, the material included herewith is informal and does not create prosecution history estoppels, but rather formal matters only related to this rule 133 interview, e.g. Official Examiner Interview Summary and any subsequent Amendment, shall be made formally of record.

STATUS : On July 28, 2009, a response to the Non-final Office Action dated April 3, 2009, was filed. No new action is pending

REJECTIONS : §101
§103(a) : Skinner in view of Hanson
§103(a) : Skinner in view of Hanson in further view of Giles

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PROPOSED AGENDA

1. As a Preliminary Matter, Applicant seek to clarify a typographical error in the 7/28/09 Office Action response regarding the amended claim term: "valuing the one or more concepts based at least in part on a utilization of the associated one or more ~~concepts~~ terms by one or more participants..."
- 2a. Skinner fails to teach or suggest "defining a set of one or more term-based concepts, each of the concepts comprising a set of one or more terms, the terms being usable in computerized searches."
- 2b. More specifically, Skinner fails to teach or suggest the claimed concept, as evidenced by the prior art's failure as to the claimed valuation of concepts.
3. Applicants additionally assert that Hanson does not qualify as prior art as the Examiner has not provided any indication of the publication date of the article. Applicants acknowledge the Examiner's assertion of date on the Notice of References Cited, however, the Applicants respectfully request the Examiner provide the publish date from the periodical or magazine that published the article to substantiate, in accordance with PTO requirements, that Hanson is in-fact a valid prior art reference.
4. Other topics as the Examiner may request
5. Possible claim amendments to obviate any confusion regarding the patentable claims.